

ESTTA Tracking number: **ESTTA103514**

Filing date: **10/10/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165449
Party	Defendant GoldWave Incorporated GoldWave Incorporated P.O. Box 51 CAX St. John's, Newfoundland, A1C 5H5
Correspondence Address	MYLENE DAO FLANSBERRY, MENARD & ASSOCIATES 504 KENT STREET, SUITE 200 OTTAWA, ONTARIO CANADA K2P 2B9, mylene@trade-mark.ca, rflansberry@trade-mark.ca
Submission	Other Motions/Papers
Filer's Name	Robert G. Bales
Filer's e-mail	info@trade-mark.ca
Signature	/RGB/
Date	10/10/2006
Attachments	GOLDWAVE - MOTION TO EXTEND TESTIMONY DATES - 3 PAGES - 06-10-10.pdf (3 pages)(27272 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/413775
For the Mark GOLDWA VE
Published in the Official Gazette on April 12, 2005

Bose Corporation,

Opposer,

v.

GoldWave Incorporated,

Applicant,

Opposition No. 91165449

MOTION TO EXTEND TESTIMONY AND REBUTTAL TESTIMONY DATES

Applicant, Goldwave Incorporated (Goldwave", hereby requests a sixty-one (61) day extension of the testimony and rebuttal testimony dates in this proceeding. This extension is necessary for the following reasons:

1. The Applicant has scheduled the testimonial deposition upon written questions of its representative and President, Mr. Christopher Craig in the City of St. John's, Newfoundland and Labrador on October 19, 2006.
2. That October 19, 2006, is the last date for the Applicant to concluded its testimony proceeding.

If granted, the new trial dates will be:

Applicant's Testimony to close:

December 19, 2006

Opposer's Rebuttal Testimony period to close:

February 2, 2007

As good cause, Goldwave states as follows. Applicant has been trying to complete the deposition of Mr. . Craig orally, however, due to communications problems between the Applicant's and its attorneys, the date scheduled for examination was not properly recorded by the Applicant which caused the Applicant's representative not to be available on the scheduled day of making his deposition. Therefore, the Applicant had to re-schedule a convenient date for the taking of testimony written questions in the Applicant representative's locality, namely October 19, 2006.

Finally, it is the Applicant's submission that in view of the deadline of October 19, 2006 for the Applicant's testimony period to close and the availability of the Applicant's representative, Mr. Craig in his locality, that it would be more economical, convenient and expeditious to proceed with Mr. Craig's deposition by written questions at this time.

The Applicant therefore, requests that the Board extend the testimony and rebuttal testimony periods to allow the parties additional time to conduct testimony or reach an amicable solution of their dispute.

The Opposer's attorneys consent has not been sought for this request to extend the periods.

CONCLUSION

For the foregoing reasons, we respectfully request that the Board, upon this motion for good cause, orders, that the testimony periods for the opposition should be extended and conformed.

Date: Oct 10, 2006



Robert G. Bales
Mylene Dao
FLANSBERRY, MENARD & ASSOCIATES
504 Kent Street
Ottawa, Ontario K2P 2B9
Telephone: (613) 234-5280
Facsimile: (613) 236-4064

Attorneys for Applicant
FLANSBERRY, MENARD & ASSOCIATES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF EXAMINATION OF WITNESS has this 10th day of October 2006, been mailed by prepaid first class mail to the below-identified Attorney at his/her place of business

Ms. Amy L. Brosius
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110
U.S.A.,

~)~

Kim Baillie